

# **EXHIBIT C**

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF OHIO

3 EASTERN DIVISION

4 CASE NUMBER: 19-CV-04209

5  
6 DAVID FORTNEY AND ELI TRIPLETT, PLAINTIFFS

7 INDIVIDUALLY AND ON BEHALF OF

8 ALL THOSE SIMILARLY SITUATED

9 vs.

10 WALMART, INC.

DEFENDANT

11  
12 \* \* \* \* \*

13 DEPONENT: CHAD PALMER

14 DATE: JUNE 11, 2020

15 \* \* \* \* \*

16  
17 Lois A. Roell,

18 Registered Merit Reporter

1 Q A couple of times over the time you  
2 worked there?

3 A While he was the manager, yeah.

4 Q And other than Jason, did any of the  
5 other service managers ever come up to you during  
6 your meal breaks?

7 A No. Matt always talked to me, but Matt  
8 was always eating in there usually around the same  
9 time because we always closed shop together.

10 Q So you said a couple times during the  
11 time Jason was your manager he asked you to come  
12 back to work early from your lunch break because  
13 things were busy in the shop; is that what you're  
14 saying?

15 A Yeah.

16 Q Now, when you did that, did you go to the  
17 computer, you logged back in if Jason wanted you to  
18 come back to work early from lunch on those couple  
19 of occasions?

20 A I did, but it was on a rush to get back  
21 in. That's after -- that's when I was faster and it  
22 doesn't work sometimes, but Jason, he was getting  
23 rushed and other people were always -- other  
24 co-workers in the department would always -- he was  
25 the one pushing and want me to. Matt ordered my

1 lunch, but yeah.

2 Q Well, again --

3 A So I'd come back, but it would be right  
4 at the moment, so they had me quickly go in and  
5 cover something, and then when I got access and I  
6 got in, because I tried to get over there or get  
7 rushed over there.

8 Q Let me just go back over that. First of  
9 all, you said it only happened a couple of times,  
10 right?

11 A Yeah. And then -- well, since -- yes.

12 Q And I just want to understand. So on the  
13 couple of times when it happened, Jason would want  
14 you to come back to work early, and you knew you  
15 were supposed to clock back in at that point, right?

16 A Yeah, but at the moment I wasn't able to  
17 get at something.

18 Q You're saying you weren't able to get to  
19 the computer at that point?

20 A Yes, yes, I wasn't -- I'd get around and  
21 I'd get into it within a few minutes after I was  
22 already over there working at those times. And then  
23 there was -- go ahead.

24 Q Have you finished your answer?

25 A Yes.

1 Q Okay. I can't always tell. I apologize  
2 again if I interrupt. So are you saying that you  
3 sometimes did work for a few minutes before you were  
4 able to go back to the computer and clock in again?

5 A Yeah.

6 Q But did you know that Walmart expected  
7 you to clock in again before you started work?

8 A Yes. So I'd try to reset it and put my  
9 time in when I came back around.

10 Q Did you know that there was a process if  
11 something went wrong with clocking in, there was a  
12 process to --

13 A Yes.

14 Q -- a time adjustment to the company if --

15 A Yes, and you would have to state a  
16 reason.

17 Q So if the reason is you couldn't clock in  
18 because you couldn't get to a computer, did you know  
19 you could put in for that time?

20 A Yes.

21 Q So on the couple of times when Jason  
22 asked you to come back to work early and you  
23 couldn't get to the computer right away to clock  
24 back in, did you submit a time adjustment?

25 A Yes.

1 Q And after you submitted the time  
2 adjustment, did you get paid?

3 A Those two moments, yeah.

4 Q Okay. So the only two times when Jason  
5 interrupted your lunch hour and asked you to come  
6 back to work early, you got paid for those minutes,  
7 correct?

8 A Correct.

9 Q Okay. And so other than the assistant  
10 manager or the store manager asking you how busy the  
11 shop was while the two of you were having lunch  
12 together or other than the couple of occasions where  
13 Jason asked you to come back to work early from  
14 lunch, were you ever interrupted in your lunch hour  
15 by any manager on any other occasion?

16 A Yeah, I was because I'd have to work all  
17 the way on Sundays, no one wanted to work, and it  
18 would go late, and I usually had to work by myself  
19 for the whole second shift. And I'd even contact  
20 the store manager, I'd contact the assistant  
21 managers telling them, you know, I need some help at  
22 the moment, and I'd work all the way up to five and  
23 a half hours until I was locked out of the system.  
24 And then I'd have to close the shop down, and then  
25 I'd clock -- yeah, I'd clock out. And I would put